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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,082	06/15/2001	Alan P. Cavallerano	PHA 23,534A	1510

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EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,082

Applicant(s)

CAVALLERANO ET AL. *W*

Examiner

Wesner Sajous

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7, 11, 12, 14-18, 21 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 13-15, 22, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

REMARKS

This communication is responsive to the amendments and response dated October 15, 2002. By this communiqué, claims 1, 3, 5, 7, 8, 11, 13-16, 23-24 and 27 have been amended; and claim 19-20 and 25 have been cancelled without disclaimer. As a result, claims 1-18, 21-24, and 26-27 remain pending in the application.

Response to Arguments

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8-10, 13-15, 22, 24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe (Patent No. 5,432,561) in view of Brown (5890123).

Considering claim 1, Strubbe discloses most claimed features of the invention as set forth in the previous office action, paper No. 5, including an input (21) that receives video and/or audio signal and a user interface (75) that receives a user input identifying an event to be detected; however, Strubbe fails to suggest a detector that analyzes the incoming video and/or audio signal of one program to detect event in the program identified by the user.

Nevertheless, Brown, in the same field of endeavor, discloses a video screen display voice recognition method that teaches the concept equivalent to detecting and analyzing (*as equivalently performed by devices 104, 106, 112 and 114 of fig. 1*) the incoming video and/or audio signal of one program (*i.e., data links*) to detect event (*i.e., voice control of various video screen*) in the program identified by the user. See fig. 1, and col. 2, line 32 to col. 3, line 65.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the automatic picture-in-picture activation system of Strubbe by including a detector that analyzes the incoming video and/or audio signal of one program to detect event in the program identified by the user, as taught by Brown, in order to prevent the requirement for a large memory capacity for storing video screen display. Col. 3, lines 35-40.

Re claim 2, Strubbe further discloses a PIP device (30) that automatically displays in a PIP (50) the program having the detected event.

The invention of claim 3, recites substantially the underlying features of device claim 1. As the various elements of claim 1 have been shown to be obvious in view of the combined teachings to Strubbe and Brown, it is readily apparent that the method disclosed by the applied prior art performs the recited underlying functions. As such the limitations recited in claim 3 is rejected for similar reasons given above for claim 1. For in Brown, the speech-recognition device analyzes the audio signal to detect audio event is characterized by the functions of device 106 of fig. 1.

Re claim 4, Brown, at fig. 1, item 106, discloses a text recognition device that scans the video information for text ... detected specific text. . It is contemplated that in Brown device 106 also provides text-recognition capability that can be detected within the data links. See col. 4.

Method claim 8 recites features substantially the same as device claim 1, and is similarly rejected.

Re claim 9, Strubbe, at fig. 2, discloses providing to a PIP display (50) the program containing the event.

Claim 10 is rejected for reason similar to claim 4.

The invention of claim 13, substantially recites the underlying process steps of the elements of method claim 8. As the various elements of claim 8 have been shown to be obvious in view of the combined teachings to Strubbe and Brown, it is readily apparent that the method disclosed by the applied prior art performs the recited underlying functions. As such the limitations recited in claim 13 is rejected for similar

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reasons given above for claim 8. For device 70 include a microprocessor which is known in the art to incorporate a computer-readable medium such as a RAM or ROM.

The invention of claim 14 recites features equivalent to and performing the same functions as claim 3, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 3.

Claim 15 is rejected for reason similar to claim 4.

As per claim 22, Strubbe discloses the first receiving step (21); the decoding step (10); the second receiving step (75); and the providing step (30); except for the detecting step. Brown in the same field of endeavor teaches the detected step. See fig. 1, and cols. 2-3. It is contemplated that in Brown device 106 also provides text-recognition capability that can be detected within the data links, wherein the detected text can be a message indicator and incorporated in device 106. See col. 4, lines 1-10. For the same reasons given above for claim 1, the invention of claim 22 is reject over the prior art.

The invention of claim 24, although slightly different it recites features equivalent to claim 13, and is rejected by the same rationale as claim 13.

The invention of claim 26, although slightly different it recites features equivalent to claim 13, and is rejected by the same rationale as claim 13.

The invention of claim 27, substantially recites the underlying process steps of the elements of claim 22. As the various elements of claim 22 have been shown to be obvious in view of the teachings of Strubbe, it is readily apparent that the method disclosed by the applied prior art performs the recited underlying functions. As such the

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limitations recited in claim 27 are rejected for similar reasons given above for claim 22.

For device 70 include a microprocessor which is known in the art to incorporate a computer-readable medium such as a RAM or ROM.

Allowable Subject Matter

4. Claims 5-7, 11-12, 14-18, 21, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fails to suggest a method and apparatus for detecting audio and video events from at least one program and using a speech recognition device, a text recognition device, and a shape detector device analyzing MPEG-4 video information in the form of DCT coefficient patterns.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to :

Box

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Or:


(703) 308-5399 (for informal or draft communications, please label "PROPOSED"
or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA , 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.


12/20/2002


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